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JUN 15 2004

Serial No: 10/780842
Attorney Docket No: 160-037

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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. CMB 0651-0031

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/780842
	Filing Date	02/18/2004
	First Named Inventor	Backes
	Group Art Unit	
	Examiner Name	
Total Number of Pages in This Submission	Attorney Docket Number	160-037

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) and letter <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Copy of Notice to File Missing Parts Copy of Originally-filed Declaration Copy of Originally-filed Transmittal Copy of Return Receipt Postcard
Remarks		Please charge any deficiency or credit any overpayment to Deposit Account No. 502569.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Mary Steubing, Reg. No. 37,946 Steubing McGuinness & Manaras LLP
Signature	
Date	

CERTIFICATE OF MAILING OR FACSIMILE			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, Alexandria, VA 33212 or being facsimile transmitted to the United States Patent and Trademark Office at number (703) 872-9306 on this date:			
Type or printed name	Carol Ann Mahoney	Date	6/15/04
Signature		Date	6/15/04

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

JUN 15 2004

Applicant(s): Backes

Application No.: 10/780842

Filed: 02/18/2004

Title: Distance Determination Program for Use by Devices in a
Wireless Network

Attorney Docket No.: 160-037

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450Group Art Unit: *g681*

OFFICIAL

Examiner: not yet known

RESPONSE TO NOTICE TO FILE MISSING PARTS

Dear Sir:

In response to the Notice to File Missing Parts of May 12, 2004, Applicant respectfully asserts that the Notice was issued in error. A signed declaration was submitted with the initial filing. Copies of that declaration, a copy of the transmittal letter and USPTO stamped return receipt postcard are attached as evidence. Applicant requests that the Initial Patent Examining Division withdraw the notice and hereby accept this copy of the declaration to complete the file. No fee should be due, however authorization to charge any fee deficiencies to Deposit Account 502569 is hereby given.

Should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Mary Steubing, Applicants' Attorney at 978-264-6664 so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

6/15/04
Date*Mary Steubing*
Mary Steubing, Reg. No. 37,946
Attorney/Agent for Applicant(s)
Steubing McGuinness & Manaras LLP
125 Nagog Park Drive
Acton, MA 01720
(978) 264-6664Docket No. 160-037
Dd: 7/12/2004

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/780,842	02/18/2004	Floyd J. Backes	160-037

CONFIRMATION NO. 2508

34845
STEUBING AND MCGUINESS & MANARAS LLP
125 NAGOG PARK
ACTON, MA 01720

FORMALITIES LETTER



QC000000012587189

Date Mailed: 05/12/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$65 for a Small Entity

- \$65 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

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Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

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PTO/SB/05 (03-01)

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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UTILITY PATENT APPLICATION TRANSMITTAL <i>(Only for new nonprovisional applications under 37 CFR 1.53(b))</i>		Attorney Docket No. 160-037	
		First Inventor Backes	
		Title	Distance Determination Program for Use by Devices in a Wireless Network
		Express Mail Label No. EV439629359US	

APPLICATION ELEMENTS <i>See MPEP chapter 600 concerning utility patent application contents.</i>	ADDRESS TO: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
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1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17) <i>(Submit an original and a duplicate for fee processing)</i> 2. <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. 3. <input checked="" type="checkbox"/> Application for Patent <i>(preferred arrangement set forth below)</i> [Total Pages <input type="text" value="99"/>] 96 pp. Specification 2 pp - Claim(s) 1-3 1 pg. - Abstract of the Disclosure 4. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) [Total Sheets <input type="text" value="62"/>] 5. <input checked="" type="checkbox"/> Oath or Declaration [Total Sheets <input type="text" value="2"/>] a. <input checked="" type="checkbox"/> Newly executed (original or copy) b. <input type="checkbox"/> Copy from a prior application (37 CFR 1.63 (d)) <i>(for continuation/divisional with Box 18 completed)</i> i. <input type="checkbox"/> DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b). 6. <input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76	7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix) 8. Nucleotide and/or Amino Acid Sequence Submission <i>(if applicable, all necessary)</i> a. <input type="checkbox"/> Computer Readable Form (CRF) b. Specification Sequence Listing on: i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or ii. <input type="checkbox"/> paper c. <input type="checkbox"/> Statements verifying identity of above copies
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ACCOMPANYING APPLICATION PARTS

9. <input checked="" type="checkbox"/> Assignment Papers	
10. <input type="checkbox"/> 37 CFR 3.73(b) Statement <input type="checkbox"/> Power of Attorney <i>(when there is an assignee)</i>	
11. <input type="checkbox"/> English Translation Document <i>(if applicable)</i>	
12. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input type="checkbox"/> Copies of IDS Citations	
13. <input type="checkbox"/> Preliminary Amendment	
14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) <i>(Should be specifically itemized)</i>	
15. <input type="checkbox"/> Certified Copy of Priority Document(s) <i>(if foreign priority is claimed)</i>	
16. <input type="checkbox"/> Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.	
17. <input type="checkbox"/> Other: _____	

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)

of prior application No. _____

Prior application information:

Examiner _____

Group Art Unit: _____

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

<input checked="" type="checkbox"/> Customer Number or Bar Code Label <input type="text" value="34845"/> <i>(Insert Customer No. or Attach bar code label here)</i>		<input type="checkbox"/> Correspondence address below	
Name	Staubing McGuinness & Manaras LLP		
Address	125 Nagog Park Drive		
City	Acton	State	MA
Zip Code	01720		
Country	USA	Telephone	978-264-6664
		Fax	978-264-9119

Name (Print/type)	Mary Staubing	Registration No. (Attorney/Agent)	37,946
Signature	<i>Mary Staubing</i>	Date	February 18, 2004

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Serial No. _____ File No. 160 037 By: MS
Title: Distance Determination
Application of: Provisional Date: _____
The U.S. PTO Mail Room acknowledges receipt of the following on the date stamped hereon:

<input checked="" type="checkbox"/> Mailing by Express Mail (37 CFR 1.10)	<input type="checkbox"/> Provisional Application Cover Sheet
Express Mail Label No. <u>21439629354US</u>	Multiple Dependent Claim Fee Sheet
<input checked="" type="checkbox"/> Patent Application	Inf. Disc. Statement, PTO Form 1449
<input checked="" type="checkbox"/> Non-provisional <input type="checkbox"/> Provisional	<input type="checkbox"/> References Cited
Incl. <u>4</u> pages, (<u>56</u> pgs) Specification	Priority Document(s) # _____
(<u>1</u> pgs) Abstract, (<u>2</u> pgs) Claims (<u>2</u> # claims)	Copy of Notice to File Missing Parts
<input checked="" type="checkbox"/> Design Patent Application	Amendment/Response
<input checked="" type="checkbox"/> Declaration(s)	Petition for Ext. of Time (x2)
<input checked="" type="checkbox"/> Drawings <u>2</u> Sheet(s) (FIGS. <u>1</u>)	Issue Fee Transmittal
<input type="checkbox"/> Formal <input type="checkbox"/> Informal	Letter to Official Draftsperson
<input checked="" type="checkbox"/> Utility Patent Application Transmittal	Notice of Appeal
<input checked="" type="checkbox"/> Fee calculation sheet (x2)	Brief (x3)
<input checked="" type="checkbox"/> CPA Transmittal	Check for \$ _____ Check # _____
<input checked="" type="checkbox"/> Verified Statement claiming small entity status	Transmittal Letter (x2)
<input checked="" type="checkbox"/> Assignment and Cover Sheet	Cert. of Mailing under 37 CFR 1.8(a)
<input type="checkbox"/> Other _____	

DATE MAILED 6/18/04